



2026:AHC-LKO:21417

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 1051 of 2025

Rajan Mishra

.....Applicant(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Home Lko. And
3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Puttu Lal Misra, Prince Verma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

1. On 9th March, 2026, the following order was passed:

"1. Heard the counsel for the applicant and the learned AGA.

2. The present application has been filed seeking to quash the impugned summoning order dated 27.02.2025 passed in POCSO Case No. 252/2025 (State of U.P. Vs. Sandeep Madhesiya & another) and also to quash the charge sheet No. 01/2025 dated 28.01.2025 arising out of FIR No. 0334 of 2024, U/s. 61(2), 137(2), 140(3), 351(3) of the B.N.S, Section 16/17 of the POCSO Act and Section 3(2)(5a) SC/ST Act, Police Station-Rajesultanpur, District- Ambedkar Nagar, so far it is against the present applicant.

3. In terms of the FIR, it was alleged that the daughter of the informant aged about 16 years was missing and allegations were levelled against one Guddu that he had enticed the daughter. Subsequently, the victim appeared before the police authorities and gave a statement that she had gone out of her own free will as she was beaten up by her parents. In the subsequent statement under section 180 BNSS also, the victim stated that she had gone out alone and had gone to Hyderabad with one Sandeep where they stayed together. The victim refused to undergo medical examination. However, in the statement under section 183 BNSS for the first time, she took the name of the applicant that he had taken her on his bike under the threats of killing her parents. Subsequently, she stayed with the co-accused Sandeep. No

allegation of wrong doing at the instance of the applicant were levelled.

4. Considering the fact that the name of the applicant never appeared in any of the statement prior to statement under section 183 BNSS coupled with the fact that the victim allegedly went on a motorcycle to Azamgarh and thereafter to Sultanpur where she admittedly stayed with Sandeep in a Hotel and thereafter both of them went on train, the false prosecution as against the applicant cannot be ruled out.

5. Despite notice, no one appears for the opposite party no.2.

6. Let fresh notice be issued to opposite party no.2. Steps be taken within three days.

7. List on 24.03.2026 on which date, the opposite party no.2 shall be produced before this court by the SP Ambedkar Nagar through proper officer.

8. Till the next date of listing, further proceedings in pursuance to summoning order dated 27.02.2025 passed in POCSO Case No. 252/2025 (State of U.P. Vs. Sandeep Madhesiya & another) shall remain stayed. "

2. In compliance thereof, the complainant, namely Shyam Chandra, and the victim, namely Ankita, along with S.I. Govind Narayan Mishra and Lady Constable Ms.Akansha Singh, P.S.- Rajesultan, District- Ambedkar Nagar are present before this Court.

3. On a query being put, the complainant stated that he is pressing the present criminal prosecution against the applicant. The victim, who is also present before this Court, has also stated that the offence has been committed by the applicant and that she seeks justice.

4. Upon consideration of the aforesaid, this Court finds that the allegations are serious in nature. The statement of the victim under Section 183 BNSS remains intact, goes against the applicant, and duly corroborates the prosecution case.

5. In view of the above, this Court does not find any merit in the present

application. Accordingly, the same is **dismissed**, with liberty to the applicant to avail appropriate remedy before the trial court.

6. Needless to observe that in case the applicant moves a discharge application before the trial court, the same shall be considered and decided expeditiously, in accordance with law.

7. The presence of the opposite parties and the officers present today is hereby dispensed with.

(Shree Prakash Singh,J.)

March 24, 2026

V. Sinha